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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Scott Grosz**  
*Clearinghouse Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Margit Kelley**  
*Clearinghouse Assistant Director*

**Jessica Karls-Ruplinger**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 18-056

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]**

#### **1. Statutory Authority**

The proposed rule meets the standard that is required to submit a petition under s. 227.26 (4), Stats., for expedited repeal of an unauthorized rule. An “unauthorized rule” is a rule for which an agency lacks the authority to promulgate the rule due to the repeal or amendment of the law that previously authorized its promulgation.

In this case, the department’s rulemaking authority was removed by the repeal of ss. 101.19 (1g) (i) and 101.122 (2) (a) to (c), 2015 Stats., in 2017 Wisconsin Act 59.

#### **2. Form, Style and Placement in Administrative Code**

a. In the rule summary’s listing of statutes interpreted, it is not necessary to cite s. 227.26 (4), Stats. That provision establishes the expedited repeal process and does not address the rental unit energy efficiency program that is interpreted for administration and enforcement in the department’s original rule.

b. In the rule summary’s listing of statutory authority, only ss. 101.19 (1g) (i) and 101.122 (2) (a) to (c), 2015 Stats., need to be cited (in addition to the Act that repealed those provisions). Those provisions explicitly granted rulemaking authority, and are described in the rule summary’s explanation of agency authority.